

# SENATE . . . . . No. 341

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## The Commonwealth of Massachusetts

PRESENTED BY:

**Cynthia Stone Creem**

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

**An Act to Establish Election Day Registration.**

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Cynthia Stone Creem	First Middlesex and Norfolk
Robert A. O'Leary	Cape and Islands
Patricia D. Jehlen	Second Middlesex
Anthony D. Galluccio	Middlesex, Suffolk and Essex
Harriette L. Chandler	First Worcester
Susan C. Tucker	Second Essex and Middlesex
James B. Eldridge	Middlesex and Worcester
Kenneth J. Donnelly	Fourth Middlesex
Sonia Chang-Díaz	Second Suffolk
Anthony W. Petruccelli	First Suffolk and Middlesex
Karen E. Spilka	Second Middlesex and Norfolk
Gale D. Candaras	First Hampden and Hampshire
Frank I. Smizik	15th Norfolk
Carl M. Sciortino, Jr.	34th Middlesex
Kay Khan	11th Middlesex
Thomas P. Conroy	13th Middlesex

# The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

## AN ACT TO ESTABLISH ELECTION DAY REGISTRATION.

*Whereas*, The deferred operation for this act would tend to defeat its purpose, which is forthwith to make to provide for election day registration for citizens of the Commonwealth and to make related changes in certain laws, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

**SECTION 1.** Section 1 of chapter 51 of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by striking out the last sentence and inserting in place thereof the following sentence:- A person otherwise qualified to vote for national or state officers shall not, by reason of a change of residence within the commonwealth, be disqualified from voting for such national or state officers in the city or town from which he has removed his residence until the expiration of 6 months from such removal, provided further, that a person having changed his residence shall be eligible to register under section 34A..

**SECTION 2.** Section 3 of said chapter 51, as so appearing, is hereby amended, by inserting, after the word, “registration” in lines 7 and 16, the following words:- , or in accordance with the provisions of section 34A.

11           **SECTION 3.** Section 26 of said chapter 51, as so appearing, is hereby amended by  
12 striking out, in lines 9 and 10, the words “eight o’clock in the evening” and inserting in place  
13 thereof, in each instance, the following figure:- 5:00 pm.

14           **SECTION 4.** Said chapter 51 is hereby further amended by striking out section 28, as so  
15 appearing, and inserting in place thereof the following section:-

16 Section 28. Registrars shall hold a continuous session from 9:00 am until 5:00 pm on the last  
17 day for registration prescribed under section 26. For those towns having less than 1,500 voters,  
18 such session shall be sufficient if it includes the time from 9:00 until 11:00 am and from 2:00  
19 until 5:00 pm.

20           **SECTION 5.** Said chapter 51 is hereby further amended by striking out section 34, as  
21 appearing in the 2006 Official Edition, and inserting in place thereof the following section:-

22 Section 34. Except as otherwise provided in section 34A, after 5:00 pm of a day on which  
23 registration is to cease, the registrars shall not register any person to vote in the next election,  
24 except that they shall furnish, or cause to be furnished, to each person waiting in line at the hour  
25 of 5:00 pm for the purpose of being registered, a card or slip of identification bearing such  
26 person’s name and shall, before registration ceases, permit such person to register. The registrars  
27 may, however, enter or correct on the registers the names of persons who have registered as  
28 voters between December 31st preceding and the close of registration.

29           **SECTION 6.** Said chapter 51 is hereby further amended by inserting after section 34  
30 the following section:-

31 Section 34A. (a) An individual who is eligible to vote may register on the day of an election by  
32 appearing in person at the polling place, during the hours it is open for voting, for the precinct in  
33 which the individual maintains residence, by completing a registration application in a form  
34 prescribed by the state secretary which complies with identity requirements of 42 U.S.C. section  
35 15483, by presenting to the appropriate election official proof of residency and by making a  
36 written oath which shall be as follows: I certify that I: am a citizen of the United States; am at  
37 least 18 years old; am not under guardianship or otherwise prohibited from voting; am not  
38 temporarily or permanently disqualified by law because of corrupt practices in respect to  
39 elections; have read and understand this statement: I further understand that giving false  
40 information is a felony punishable by not more than 5 years imprisonment or a fine of not more  
41 than \$10,000, or both.

42 (b) For purposes of this section, the term “proof of residence” shall mean 1 of the following, so  
43 long as it includes the name of the applicant and the address from which he or she is registering:

44 (i) a valid photo identification including, but not limited to, a Massachusetts’ driver’s  
45 license or other state-issued identification card; or

46 (ii) other documentation demonstrating the name and address where the applicant maintains  
47 residence and seeks to register including, but not limited to, a copy of a current utility bill, bank  
48 statement, government check, residential lease agreement , wireless telephone statement,  
49 paycheck, other government document or correspondence , a current student fee statement or  
50 other document from a post-secondary educational institution that verifies the student’s current  
51 address.

(c) Upon meeting the identity requirements of subsection (a), production of proof of residence, and the making of an oath sufficient to support registration, the ballot clerk or his designee shall permit the applicant to vote on the day of an election and the registrar or his or her designee shall place the applicant's name and address on the annual register of voters as soon as reasonably practicable following the date of the election as prescribed by the state secretary. Any person who registers to vote on the day of an election in accordance with this section shall, absent disqualification, be registered to vote at all subsequent primaries and elections.

(d) The state secretary shall make available, to the election officers, to the extent possible, at each polling place, access to the central registry of voters set forth in section 47C. For the purposes of this section, a printed copy of all voters registered to vote in that precinct as of the last day of the registration period, as required by sections 55 and 60, shall be sufficient.

(e) This section shall not apply to an individual seeking to register to vote in any town for the purposes of voting at annual town meeting or special town meeting.

(f) A registered voter shall not re-register on the day of an election for the exclusive purpose of altering his party affiliation.

(g) The state secretary shall adopt regulations to implement the relevant provisions of this chapter.

(h) Upon credible information or allegation of illegal voter registration, or credible information or allegation of illegal multiple voting, there shall be an investigation upon the merits of said information or allegation by the attorney general, or by the district attorney having jurisdiction over the municipality in which the alleged illegal registration or illegal multiple voting occurred.

Nothing in this subsection shall be construed as excluding enforcement of this section by any means otherwise provided by law.

(i) Violations of this section shall be punishable under sections 8, 26 and 27, of chapter 56.

**SECTION 7.** There shall be an advisory committee on the implementation of election day registration. Among other issues it may consider, the advisory committee shall study the resources necessary for, costs associated with, and feasibility of providing every polling location with real-time electronic access to the central registry of voters. The advisory committee shall be comprised of the secretary of state, or a designee, who shall chair the advisory committee, the attorney general, or a designee, the house and senate chairs of the joint committee on election laws, or their designees, 2 representatives of the Massachusetts Town Clerks Association, at least 1 of whom shall be a town clerk from a town of under 5,000 residents, and 2 representatives of the Massachusetts City Clerks Association. The advisory committee shall complete its study on the implementation of election day registration and submit an interim report and recommendations for improving administration of election day registration, in writing, to the joint committee on election laws and the senate and house committees on ways and means on or before June 30, 2011, and the advisory committee shall submit its final report in writing to the joint committee on election laws and the senate and house committees on ways and means on or before June 30, 2013.